

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THOMAS JACKSON,

Plaintiff,

- against -

SERGEANT THOMAS KNIGHT; NURSE  
DEBRA BRYANT; SERGEANT CARLOS  
ACEVEDO; C.O. VINCENTE SANTIAGO; C.O.  
RENEE CURRY; C.O. LAWTON BROWN;  
C.O. PATRICK BAILEY; C.O. EDWIN SANTOS,

Defendants.  
-----X

No. 20-CV-6655 (CS)

**ANSWER**

**JURY TRIAL DEMANDED**

Defendants Sergeant Thomas Knight, C.O. Carlos Acevedo, C.O. Vincente Santiago, C.O. Edwin Santos, and C.O. Lawton Brown (collectively “Defendants”), by their attorney, LETITIA JAMES, Attorney General of the State of New York, respectfully submit this Answer to Plaintiff’s Amended Complaint, filed November 19, 2020, as follows:

**I. LEGAL BASIS FOR CLAIM**

1. Defendants deny that any response is required for section I, “Legal Basis for Claim” on Page 2<sup>1</sup> of the Amended Complaint, as it is an assertion of law. To the extent that a response may be deemed required, Defendants admit that Plaintiff’s purpose is to bring a civil action pursuant to 42 U.S.C. § 1983. Defendants deny any wrongdoing, deny violating any state or federal constitutional provision, deny that Plaintiff is entitled to any relief in this action, except deny knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to the non-answering defendants.

---

<sup>1</sup> Reference to any Amended Complaint page numbers are references to the pages as they appear on the ECF Docket, *Dkt. No. 13*. Where possible, reference is also made to section headings identified on those pages or to identifying features found within a particular section.

## **II. PLAINTIFF INFORMATION**

2. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in the section II, “Plaintiff Information” on Page 2 of the Amended Complaint, except Defendants admit that Plaintiff was an inmate at Upstate Correctional Facility at the time Plaintiff filed his Amended Complaint.

## **III. PRISONER STATUS**

3. Defendants admit the allegations in section III, “Prisoner Status” on Page 2 of the Amended Complaint, that Plaintiff was a convicted and sentenced prisoner during the relevant time period described in the Amended Complaint.

## **IV. DEFENDANT INFORMATION**

4. Defendants admit the allegations in section IV, “Defendant Information” which starts on Page 3 and ends on Page 5 of the Amended Complaint, that the Defendants are employed by the New York State Department of Corrections and Community Supervision (DOCCS) and are assigned to Sing Sing Correctional Facility, but otherwise deny knowledge or information sufficient to form a believe as to truth of the allegations pertaining to the non-answering defendants.

## **V. STATEMENT OF CLAIM**

5. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in section V, “Statement of Claim” on Page 6 of the Amended Complaint.

## **FACTS<sup>2</sup>**

6. Defendants deny the allegations in the subsection titled “Facts” which start on Page 6, continue on the top portion of page 7, and end on Page 8 of the Amended Complaint, and deny

---

<sup>2</sup> The Amended Complaint is not organized by numerated paragraphs as required by Rule 10 of the Federal Rules of Civil Procedure.

any wrongdoing, deny violating any state or federal constitutional provision, deny that Plaintiff is entitled to any relief in this action, except deny knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to the non-answering defendants.

### **INJURIES**

7. Defendants deny the allegations in the subsection titled “Injuries”, on Page 7 of the Amended Complaint, in that Plaintiff did not sustain any injuries as a result of any conduct by the Defendants and deny any wrongdoing, except Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to the non-answering defendants.

### **VI. RELIEF**

8. Defendants deny the allegations in section VI, “Relief” on Page 7 of the Amended Complaint, deny any wrongdoing, deny that plaintiff sustained any injuries as a result of any conduct of the Defendants, deny violating any state or federal constitutional provision, and deny Plaintiff is entitled to any relief, except deny knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to the non-answering defendants.

### **VII. PLAINTIFF’S CERTIFICATION AND WARNINGS**

9. Section VII, “PLAINTIFF’S CERTIFICATION AND WARNINGS” on Page 9 of the Amended Complaint, contain legal conclusions and requirements upon the Plaintiff prior to filing his Amended Complaint, and as such, no response is necessary. To the extent that this section contains factual allegations, Defendants deny such allegations, deny that the allegations made within this Amended Complaint have evidentiary support or will likely have evidentiary support, deny any wrongdoing, deny Plaintiff is entitled to any relief except deny knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to the for non-answering

defendants.

## **DEFENSES**

### **FIRST DEFENSE**

10. The Amended Complaint fails to state a claim or allege sufficient facts upon which relief can be granted.

### **SECOND DEFENSE**

11. Defendants' conduct did not violate clearly established federal law or that it was objectively reasonable for persons in the Defendants' position to believe at the time of the Defendants' actions that their conduct violated such clearly established law. Therefore, Defendants are entitled to qualified immunity from suit for the actions of which Plaintiff complains.

### **THIRD DEFENSE**

12. Any injuries and/or damages allegedly sustained by Plaintiff were caused by, contributed to, and/or solely and exclusively the result of Plaintiff's own conduct.

### **FOURTH DEFENSE**

13. Any state law claims, to the extent raised herein, are barred by New York Correction Law § 24.

### **FIFTH DEFENSE**

14. Defendants at no time acted willfully or in malicious disregard of Plaintiff's constitutional rights. As such, Plaintiff is not entitled to punitive damages or other relief.

### **SIXTH DEFENSE**

15. Plaintiff failed to mitigate his damages, if any.

### **SEVENTH DEFENSE**

16. Plaintiff's claims may be barred, in whole or in part, by the doctrines of *res*

*judicata* or collateral estoppel.

### **EIGHTH DEFENSE**

17. Plaintiff may have failed to exhaust his administrative remedies, as required by the Prison Litigation Reform Act, before filing this lawsuit.

### **JURY TRIAL DEMANDED**

18. Defendants demand a jury trial.

### **CONCLUSION**

**WHEREFORE**, Defendants Sergeant Thomas Knight, C.O. Carlos Acevedo, C.O. Vincente Santiago, C.O. Edwin Santos, and C.O. Lawton Brown respectfully requests that this Court dismiss the Amended Complaint in its entirety and grant such further relief as the Court deems just and proper.

Dated: White Plains, NY  
May 11, 2021

LETITIA JAMES  
Attorney General  
State of New York  
*Attorney for Defendants*  
By:

S/ John R. Doran  
John R. Doran  
Assistant Attorney General  
28 Liberty Street  
New York, New York 10005  
(212) 416-8591  
[John.Doran@ag.ny.gov](mailto:John.Doran@ag.ny.gov)

To: Thomas Jackson  
DIN No 12A3039  
Upstate Correctional Facility  
P.O. Box 2000  
Malone, NY 12953

Clinton Correctional Facility  
1156 State Route 374  
P.O. Box 2000  
Dannemora, New York 12929  
*By First Class Mail*